

CITY OF CANAL FULTON
CITY COUNCIL MEETING AMENDED AGENDA
July 3, 2018

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **SWEARING IN FIRE DEPARTMENT**

Jordan Robinson
Joshua Boecker
Zachary Edginton

5. **REPORTS OF STANDING COMMITTEES**

6. **Victor Colaianni -SCHOOL SAFETY/MENTAL HEALTH LEVY**

7. **CITIZENS' COMMENTS – AGENDA MATTERS (Five Minutes per Individual – No Yield)**

8. **CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**

6-19-18

9. **REPORTS OF ADMINISTRATIVE OFFICERS**

- o Senior Citizens
- o Community Service
- o Fire Chief
- o Police Chief
- o Engineer
- o Streets
- o Public Utilities
- o Planning/Zoning
- o Finance Director
- o City Manager
- o Mayor
- o Parks & Recreation Board
- o Law Director

10. **THIRD READINGS**

Ordinance 20-18: An Ordinance Amending Ordinance 31-17, and Providing for Changes to Previously Authorized Appropriations.

Ordinance 21-18: An Ordinance Amending Ordinance 31-17, and Providing for Changes to Previously Authorized Appropriations.

Ordinance 22-18: An Ordinance Amending Part Nine, Title Three-Utilities of the Codified Ordinances of Canal Fulton, Ohio to Create Chapter 934 Billing and Repealing and Ordinance in Conflict Therewith.

11. **SECOND READINGS**

Resolution 10-18: A Resolution to Adopt A Multi-Jurisdictional Hazard Mitigation Plan

Ordinance 23-18: An Ordinance by the Council of the City of Canal Fulton, Amending the Zoning Code by Re-zoning PPM 10-008449 and PPN 10-008808

Ordinance 24-18: An Ordinance by the Council of the City of Canal Fulton, Amending the Zoning Code by Re-zoning PPM 10-008588

Resolution 11-18: A Resolution by the Council of the City of Canal Fulton, Ohio Declaring 156 West Cherry Street Insecure, Unsafe, Structurally Defective and Unfit for Human Habitation

Resolution 12-18: A Resolution by the Council of the City of Canal Fulton, Ohio Declaring 147 Market Street West Insecure, Unsafe, Structurally Defective and Unfit for Human Habitation

12. **FIRST READINGS**

Resolution 13-18: A Resolution by the Council of the City of Canal Fulton, Ohio to Enter into a Construction and Performance Agreement with Schalmo Properties, Inc. for the Public Improvements and Installments for Sandy Ridge Development Phase 2.

Ordinance 25-18: An Ordinance Amending Title Three-Utilities of Chapter Nine – Streets, Utilities and Public Service Code of the Codified Ordinances of Canal Fulton, Ohio Adding Chapter 939-Stormwater Utility and Repealing any Ordinances in Conflict Therewith

Ordinance 26-18: An Ordinance Amending Ordinance 31-17, and Providing for Changes to Previously Authorized Appropriations.

13. **P.O.s**

P.O. 11769 to Ohio Treasurer of State in the amount of \$6,886.36 to Reclassify Wooster Street Storm Sewer OPWC Debt Payment to Storm Sewer Fund.

P.O. 11772 to Finley Fire Equipment in the amount of \$6,756.00 for PPE Fire Gear

14. **BILLS:**

15. **OLD/NEW/OTHER BUSINESS**

16. **REPORT OF PRESIDENT PRO TEMPORE**

17. **REPORT OF SPECIAL COMMITTEES**

18. **CITIZENS COMMENTS – Open Discussion (Five Minute Rule)**

19. **ADJOURNMENT**

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
June 19, 2018**

CALL TO ORDER

Mayor Joseph Schultz called the meeting to order at 7:00pm.

PLEDGE OF ALLEGIANCE

ROLL CALL

Council in attendance were Mayor Joseph Schultz, Danny Losch, Dan Bucher Jr., Eric Whittington, Sue Mayberry, Scott Svab and Bonnie Donaldson

City Staff in attendance were Police Chief Doug Swartz, Fire Chief Ray Durkee, Council Clerk Teresa Dolan, Engineer Bill Dorman, Law Director Scott Fellmeth

Others in attendance were Joan Porter, Chell Rossi, Jim Deans, Janet Deans, Members of Boy Scout Webelos Pack 303, Peg Laboucane

FIRE DEPARTMENT SWEARING IN

Jared Hagen
Arianna Negulis
Jackson Wendell

**A motion was made to accept the swearing in of the Fire Department employees by Sue Mayberry
Second by Bonnie Donaldson
All Council Members voted yes. Motion approved.**

Peg Laboucane from the Quilts of Valor Foundation presented James Deans with a Quilt that was made for him. The Foundation thanked him for his service as a Veteran along with his service in Vietnam. Mr. Deans stated that he was honored.

REPORTS OF STANDING COMMITTEES

None

CITIZENS' COMMENTS – AGENDA MATTERS (Five Minutes per Individual – No Yield)

None

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

6-5-18

**A motion was made to approve the 6-5-18 minutes by Sue Mayberry.
Second by Scott Svab.
Scott Svab and Danny Losch abstained.
All other Council Members voted yes. Motion approved.**

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens – No report.

Community Service – Mayor Schultz said that the workers for the Mayor's Summer program are working and making progress on summer projects.

Fire Chief – Fire Chief Ray Durkee thanked Council for the swearing in of the new hires. Chief Durkee thanked Mr. Deans for his service. Chief Durkee said he had attended a MARCS meeting and they are hoping to be on the radio system by the end of the year.

Scott Svab asked about the Country Fest and if there were many calls. There was not mutual aid with the Township.

Police Chief – Monthly Report was included in the packet. Chief Doug Swartz stated that this year the Country Fest was run fantastic. Very little arrests were made. Chief Swartz reported that the month shown in the reports was busy with 575 incidents on the report and a typical month is three to four hundred. Officers are increasing traffic stops.

Engineer- Engineer Bill Dorman stated that they have submitted a draft water-tower report. Chip and Seal bid opening will be June 29th. They are working on the Sandy Ridge subdivision. The Planning Commission will be meeting this Thursday.

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
June 19, 2018**

Mayor Schultz requested that due to Finance Director and City Manager being excused this meeting he would like them to look into the funding and report for the water tower.

Mrs. Mayberry asked if the businesses would be participating in the cost of the water tower. Mayor Schultz stated that the developer paid for tap fees prior. Mrs. Mayberry said these were large pieces of property.

Streets – No report.

Public Utilities – No report.

Planning/Zoning – Mayor Schultz stated that the Rotary would be selling their building and it would be brought up at the Planning Commission this Thursday on a contingency matter upon sale.

Finance Director – May Financials were included in the packet.

A motion was made to accept the May Financials by Danny Losch

Second by Dan Bucher, Jr.

All Council Members voted yes. Motion approved.

City Manager – No report.

Mayor – Mayor Schultz stated that Administration was continuing to work on security camera quotes for the park.

Mayor Schultz reported that one of the horses for the Canal Boat was ill and we are waiting on a diagnosis. We may need to look into a new horse. For the time being the tractor will be pulling the boat.

Parks & Recreation Board – No report.

Law Director – Law Director Scott Fellmeth stated that the purchase for the old fire station has been approved and there is sixty days allotted for the demolition. The demolition will be started on July 16. Mr. Fellmeth stated that Resolution 11-18 and 12-18 do not need passed by emergency and asked that they go through three readings.

THIRD READINGS

Resolution 9-18: A Resolution by the Council of the City of Canal Fulton Ohio to Enter into a Memorandum of Understanding with the Stark Board of Developmental Disabilities

A motion was made to approved Resolution 0-18 by Dan Bucher, Jr.

Second by Scott Svab.

All Council Members voted yes. Motion approved.

SECOND READINGS

Ordinance 20-18: An Ordinance Amending Ordinance 31-17 and Providing for Changes to Previously Authorized Appropriations.

Ordinance 21-18: An Ordinance Amending Ordinance 31-17 and Providing for Changes to Previously Authorized Appropriations.

Ordinance 22-18: An Ordinance Amending Part Nine, Title Three-Utilities of the Codified Ordinances of Canal Fulton, Ohio to Create Chapter 934 Billing and Repealing and Ordinance in Conflict Therewith.

FIRST READINGS

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Resolution 11-18: A Resolution by the Council of the City of Canal Fulton, Ohio Declaring 156 West Cherry Street Insecure, Unsafe, Structurally Defective and Unfit for Human Habitation and Declaring an Emergency

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**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES**

June 19, 2018

P.O.s

TABLED: P.O. 11546 to JA Chapana Excavating in the amount of \$14,500 for demolition of the old fire station

A motion was made to take purchase order 11546 off the table by Danny Losch

Second by Scott Svab.

All Council Members vote yes. Motion approved.

BILLS: May Financials - \$535,939.53

A motion was made to approve the May Bills by Sue Mayberry

Second by Scott Svab

All Council Members voted yes. Motion approved.

OLD/NEW/OTHER BUSINESS

Mr. Fellmeth stated that the owner of the property in regards to Resolution 11-18 and 12-18 is requesting a meeting with Mayor. The owner can appeal the demolition order with the 5th District Court of Appeals. As it stands right now, it looks like the order will go through. The legislation is to give the property owner a 30-day notice. Mrs. Mayberry asked who pays for the demolition. Mr. Fellmeth stated the City does. Mr. Losch suggested roping the property off for Canal Days.

REPORT OF PRESIDENT PRO TEMPORE

Mrs. Mayberry stated that she visited the website ohiocheckbook.com as suggested by the Finance Director. You can view reports for years of expenditures. It is a great tool.

REPORT OF SPECIAL COMMITTEES

None

CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

Ali Larson – 14186 Warwick.

Ms. Larson shared her concern with Council on the recurring problem with trash and recycling pick up at her address. She also shared flooding issues on her property also.

A motion was made at 7:52 by Danny Losch to adjourn to Executive session to discuss employment of a public employee or official and preparing for, conducting or reviewing negotiations or bargaining sessions with public employees.

Second by Scott Svab.

All Council Members voted yes. Motion approved.

A motion was made to reopen regular session by Danny Losch.

Second by Scott Svab.

All Council Members voted yes. Motion approved.

The meeting was reopened due to a citizen wanting to make a comment

John Hatfield – Community Improvement Corporation

Mr. Hatfield distributed a document on things that the group can accomplish. He wanted Council to be aware that group still exists and could be of use.

A motion was made to return to Executive Session by Danny Losch at 8:03pm

Second by Bonnie Donaldson.

All Council Members voted yes. Motion approved.

A motion was made to return to Public Session at 8:56pm by Danny Losch.

Second by Scott Svab.

All Council Members voted yes. Motion approved.

ADJOURNMENT

Meeting adjourned at 8:57pm

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
June 19, 2018**

Meeting minutes prepared by Teresa Dolan

Meeting minutes approved by Mayor Joseph A. Schultz

Ordinance No. 20-18

Passed _____, 20____

An Ordinance Amending Ordinance 31-17, and Providing for Changes to Previously Authorized Appropriations.

WHEREAS, it is necessary for the City of Canal Fulton to authorize additional appropriations for current expenses and other expenditures for the fiscal year ending December 31, 2018, which were not anticipated or included in Ordinance 31-17, as the City's 2018 Appropriation Ordinance, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO, THAT:

Section 1: In order to correct two mistakes that were not anticipated when preparing the 2018 budget, Council authorizes the following appropriation amendments.

Fund/Department	Previously Approved	Change	New Appropriation
General Fund			
Income Tax - Operating	\$96,990	(\$5,000)	\$91,990
Finance Dept. - Personnel	\$64,004	\$5,000	\$69,004
Fire Equipment Fund			
Fire - Operating	\$7,500	\$2,000	\$9,500

Section 2: This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

Joseph A. Schultz, Mayor

ATTEST:

Teresa Dolan, Clerk of Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 18, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2018, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the _____ day of _____, 2018.

Teresa Dolan, Clerk of Council

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2118

Passed _____, 20____

An Ordinance Amending Ordinance 31-17, and
Providing for Changes to Previously Authorized
Appropriations.

WHEREAS, it is necessary for the City of Canal Fulton to authorize additional appropriations for current expenses and other expenditures for the fiscal year ending December 31, 2018, which were not anticipated or included in Ordinance 31-17, as the City's 2018 Appropriation Ordinance, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF CANAL FULTON, OHIO, THAT:

Section 1: City Council authorizes the Finance Director to increase the Water Capital Projects Fund appropriations by \$18,000.00 to account for the cost of conducting a water tower study.

Water Capital Projects Fund			
Category	Previously Approved	Change	New Appropriations
Non-Payroll Costs	102,833.33	18,000.00	120,833.33

Section 2: This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

ATTEST:

Joseph A. Schultz, MayorTeresa Dolan, Clerk of Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 18, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2018, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the _____ day of _____, 2018.

Teresa Dolan, Clerk of Council

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 22-18

Passed _____, 20____

AN ORDINANCE AMENDING
PART NINE, TITLE THREE -
UTILITIES OF THE CODIFIED
ORDINANCES OF CANAL
FULTON, OHIO TO CREATE
CHAPTER 934 BILLING AND
REPEALING ANY ORDINANCE IN
CONFLICT THEREWITH.

WHEREAS, the Council of the City of Canal Fulton, Ohio has recommended that Part Nine (9), Title Three (3) of the Utilities Code of the City of Canal Fulton, Ohio be amended.

WHEREAS, the Council has recommended the creation of Chapter 934 of the Utilities Code to remediate Billing procedure.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF CANAL FULTON OHIO THAT:

Chapter 934 of Part Nine, Title Three of the Utilities Code of the Codified Ordinances of the City of Canal Fulton is hereby created, to wit:

**934. BILLING: UTILITIES
(WATER, SEWER AND STORM SEWER)**

Utility charges (Water, Sewer and Storm Sewer) shall be the responsibility of the property owner, however, payments will be accepted from the tenants. It is suggested that property owners require a deposit from the tenants to cover water charges.

Any Ordinance in Conflict therewith is hereby repealed.

Joseph A. Schultz, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance ____18, duly adopted by the Council of the City of Canal Fulton, on the date of _____. 2018, and that publication of the foregoing Ordinance was duly made by listing same on the city's web-site and by posting true and correct copies

RECORD OF ORDINANCES

BEAR GRAPHICS 800-825-8294 FORM NO. 30043

Ordinance No. _____

Passed _____, 20____

thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the _____ day of _____, 2018.

Teresa Dolan, Clerk-of-Council

SEF/bp

REPLAT OF OUT LOT 257 CANAL PLACE

LOCATED IN THE CITY OF CANAL FULTON, COUNTY OF STARK,
STATE OF OHIO AND BEING ALL OF OUT LOT 257

MAY, 2018
7 LOTS

AMALON FOOD SERVICE, INC.
1111 2500 SHERWOOD
FOOD SERVICE, INC.
3302227010444
S/R/ 3000' - 1'
S/R/ 3000' - 1'

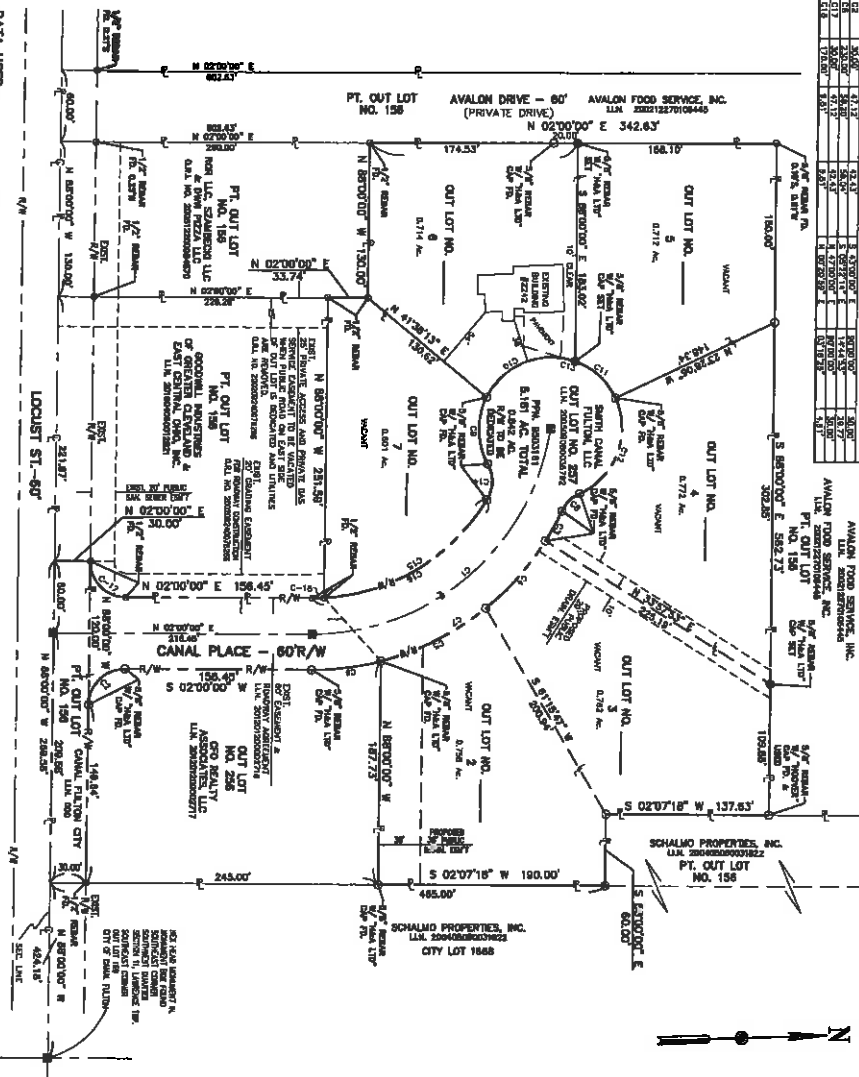
— — — — —

N

MAY, 2016
7 LOTS

LEGEND:

- 1/4" UNADJUSTED BOX AIRSEAL, Y-FOAM
- 3/4" BEAM w/ 1/4"b LTR CAP SET
- 3/4" BEAM w/ 1/4"b LTR CAP FOLDED
- 1/2" BEAM FOLDED TAILING NOTED OTHERWISE
- CENTERLINE
- PROPERTY LINE
- BOUNDARY LINE
- LOT LINE
- NORTH-OR-SOUTH LINE



HAMMOND & ASSOCIATES, LIMITED
SLURRY DATE: 5/03/2016

FINAL PLAT
REPLAY OF OUT LOT 257 CANAL PLACE
SITUATED IN THE CITY OF CANAL FULTON, COUNTY OF STARR,
STATE OF OHIO AND BEING ALL OF OUT LOT 257.

STATE COUNTY AND

ENTERED FOR TRANSFER THIS _____ DAY OF _____, 2018

CONRAD FULTON CITY ENGINEER

THE PLAY OF CANAL PLACE AND WAS GIVEN CANAL PLATON CITY LOT NUMBERS

CANOE FLUIDITY CITY ENGINEER

APPROVED AND RECOMMENDED FOR ACCEPTANCE THIS _____ DAY OF _____

Presidency

APPROVED BY THE CITY OF CANAL FULTON PLANNING COMMISSION AT A MEETING HELD
THIS _____ DAY OF _____, 2018.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC _____

DAY OF _____, 2018.

FOREGOING INSTRUMENT AND THAT IT WAS THEIR FREE ACT AND DEED ACCORDING TO LAW. IN TESTIMONY WHEREOF, I HAVE HEREINTO SUBSCRIBED MY NAME AND

BEFORE ME, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE SIGNED GRANTEE OF THE WATER RETENTION BASIN & OUTFALL

STATE OF OHIO
COUNTY OF STARK

IN: COMMISSION FOR THE
JOINT PUBLIC

THEM FREE ACT AND DEED ACCORDING TO LAW, IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY SEAL AT _____, DAY OF _____, 19__.

BEFORE MR. HOLCOM PUBLIC, IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE SIGNED OWNERS OF THE LAND SHOWN ON THIS PLAT, WHO ACKNOWLEDGE THAT THEY AND EACH OF THEM INTEND TO CONVEY THE SAME

STATE OF CALIFORNIA
COUNTY OF STARK

SMITH CORP. FERTILIZERS, LLC

STEPHAN S. SMITH PRESIDENT DAT

THE UNIVERSITY OF CHICAGO

IN THE MANNER MCGRESSAID, AND WILL WARRANT AND DEFEND THE SAME AGAINST ALL CLAIMS.

EXHIBENTS SHOWN ON THIS PLAT TO PUBLIC USE FOREVER, HE DOES HEREBY CERTIFY THAT HE IS THE LAWFUL AGENT OF THE LAWFUL OWNER OF SAID PROPERTIES AND HAS FULL POWER TO GRANT SUCH RIGHTS.

REPRESENTATIVE OF SOUTH CANAL FULTON, LLC, THE OWNER OF THE LAND SHOWN ON THIS PLAT, DOES HEREBY ACKNOWLEDGE THE MAKING OF THE SALE TO BE HIS OR HER BEST ACT AND DEED AND DOES HEREBY REVEALS:

KNOW ALL MEN BY THESE PRESENTS, THAT I, **JOHN J. BROWN**, of the County of **Jefferson**, State of **Missouri**, for and in consideration of the sum of **Five Dollars**, to **JOHN J. BROWN** in hand paid by **JOHN J. BROWN**, the receipt of which is hereby acknowledged, have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said **JOHN J. BROWN**, his heirs and assigns forever, all that certain lot or lots of land, situate, lying and being in the County of **Jefferson**, State of **Missouri**, to-wit:

100

RECORD OF RESOLUTIONS

BEAR GRAPHICS, 800-326-8004 FORM NO. 30045

Resolution No. 10-18

Passed _____, 20____

A RESOLUTION TO ADOPT A MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS, the Stark County Emergency Management Agency has developed a Federally Approved Multi-Jurisdictional Hazard Mitigation Plan that includes all natural hazards to which Stark County and its municipalities are susceptible as per Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, the City of Canal Fulton has been assessed for its susceptibility to those hazards; and

WHEREAS, a list of all critical facilities and other assets in the City of Canal Fulton that could be affected by hazard events has been generated; and

WHEREAS, the estimated potential losses that the City of Canal Fulton could incur during a hazard event have been calculated; and

WHEREAS, goals, objectives, and projects to mitigate against the hazards that have been identified in the county, including the City of Canal Fulton, have been developed; and

WHEREAS, mitigation measures for the City of Canal Fulton and surrounding areas have been analyzed; and

WHEREAS, mitigation projects for the City of Canal Fulton and surrounding areas have been prioritized, and

WHEREAS, Stark County's stakeholders have agreed to periodically review and update the Multi-Jurisdictional Hazard Mitigation Plan.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO, THAT:

- **Section 1:** That the Council of the City of Canal Fulton hereby adopts the plan to implement the actions prescribed in the Federally Approved Multi-Jurisdictional Hazard Mitigation Plan.

RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-335-0034 FORM NO. 3004S

Resolution No. _____ Passed _____, 20____

- **Section 2:** That this Resolution shall be in full force and effect from and after the earliest period allowed by law.

Joseph A. Schultz, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this a true and correct copy of Resolution ____ 18, duly adopted by the Council of the City of Canal Fulton, on the date of _____. 2018, and that publication of the foregoing Resolution was duly made by listing same on the city's web-site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the ____ day of _____, 2018.

Teresa Dolan, Clerk-of-Council

SEF/bp

RECORD OF ORDINANCES

BEAR GRAPHICS 800-355-6784 FORM NO. 30243

Ordinance No.

23-18

Passed

, 20

AN ORDINANCE BY THE COUNCIL
OF THE CITY OF CANAL FULTON,
OHIO AMENDING THE ZONING
CODE BY RE-ZONING PPN 10-008449
AND PPN 10-008808.

WHEREAS, on May 21, 2018 the Planning Commission of the City of Canal Fulton has recommended re-zoning PPN 10-008449 and PPN 10-008808 in the City, and

WHEREAS, a public hearing and notice thereof have been held and given, as required by Ohio Revised Code Section 713.12.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL FULTON OHIO THAT:

PPN 10-008449 and PPN 10-008808 in the City of Canal Fulton shall be re-zoned Industrial District (I-1) as shown on attached map marked as Exhibit "A" and incorporated by reference herein.

Joseph A. Schultz, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____ 2018, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2018, and that publication of the foregoing Ordinance was duly made by listing same on the city's web site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the _____ day of _____, 2018.

Teresa Dolan, Clerk-of-Council

SEF/bp

MASTER PLAN - ZONE CHANGE APPLICATION PLAN
ELM RIDGE INDUSTRIAL PARK
 LOCATED IN THE CITY OF CANAL FLATON
 STONE COUNTY, MO
 FOR DONALD J. SCHULTE

LEGEND
 ZONING AREAS
 LOT 18
 LOT 19
 LOT 20
 LOT 21
 LOT 22

ZONING REGULATIONS
 LOT 18
 LOT 19
 LOT 20
 LOT 21
 LOT 22

COOPER & ASSOCIATES, LLP
 ENGINEERS AND SURVEYORS
 1000 1/2 N. 10th St.
 Suite 100
 Kansas City, MO 64108
 Phone: 816.241.1000
 Fax: 816.241.1001
 Email: info@cooperandassociates.com

COOPER & ASSOCIATES, LLP
ENGINEERS AND SURVEYORS
1370 MARBLE
AVENUE NORTH
CANTON, OH 44705
216.241.4400

Figure 1 consists of two schematic diagrams of beam tests. The top diagram is labeled 'HORIZONTAL BEAM' and shows a beam of length L with a central support and a load P applied at the center. The bottom diagram is labeled 'VERTICAL BEAM' and shows a beam of length L with a central support and a load P applied at the center. The vertical beam test also shows a load P applied at the end of the beam.

RECORD OF ORDINANCES

BEAR DRUMPHAGE RD 025-0004 FORM NO. 30043

Ordinance No.

24.18

Passed

, 20

AN ORDINANCE BY THE COUNCIL
OF THE CITY OF CANAL FULTON,
OHIO AMENDING THE ZONING
CODE BY RE-ZONING
PPN 10-008588.

WHEREAS, on May 17, 2018 the Planning Commission of the City of Canal Fulton has recommended re-zoning PPN 10-008588 in the City, and

WHEREAS, a public hearing and notice thereof have been held and given, as required by Ohio Revised Code Section 713.12.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL FULTON OHIO THAT:

PPN 10-008588 in the City of Canal Fulton shall be re-zoned B-2 General, Retail Office and Motorist Services Business District as shown on attached map marked as Exhibit "A" and incorporated by reference herein.

Joseph A. Schultz, Mayor

ATTEST:

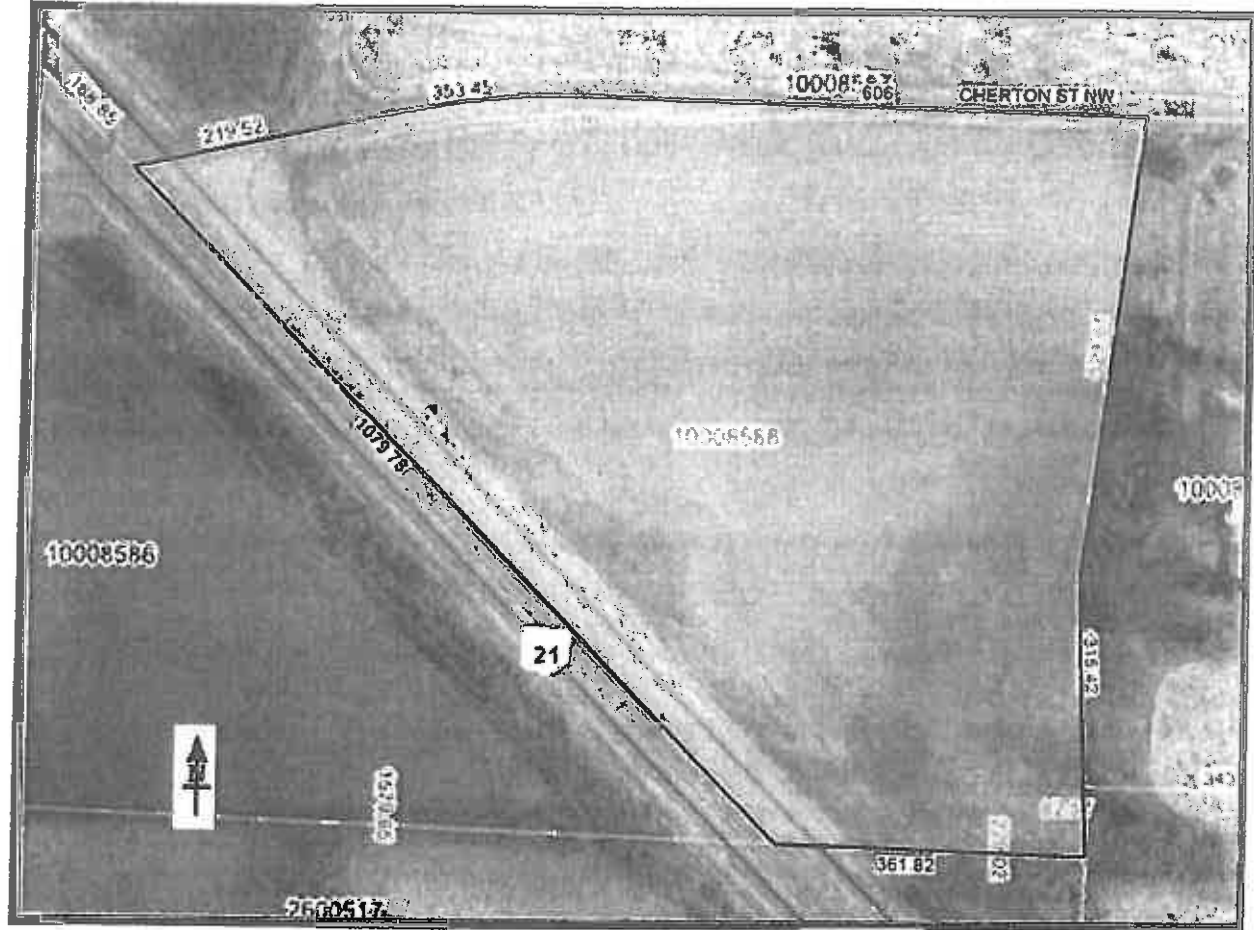
Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance ____ 2018, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2018, and that publication of the foregoing Ordinance was duly made by listing same on the city's web site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the _____ day of _____, 2018.

Teresa Dolan, Clerk-of-Council

SEF/bp

Site Split



NICHOLS FIELD SERVICES, INC.



707 Navarre Rd. SW
Canton, OH 44707
nfsi2000@sbcglobal.net

Phone: (330) 453-6688
Toll Free: 1-800-676-1170
Fax: (330) 453-1764


Kilbride 14.830 Acres Parcel 2

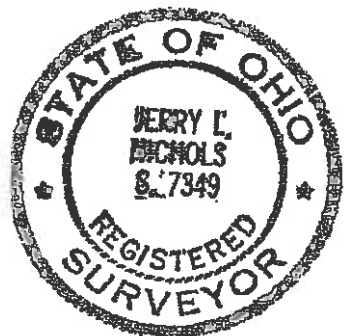
Known as and being a part of National City Bank, Trustee of the George H. Kilbride Revocable Trust's 113.86 acres parcel recorded in IMG #2007-04-27-0022845 and being located in the Southwest Quarter of Section 9, Lawrence Township (T-1, R-10), Stark County, Ohio, bounded and described as follows:

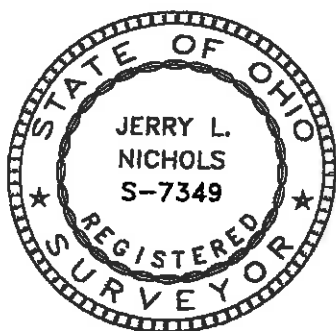
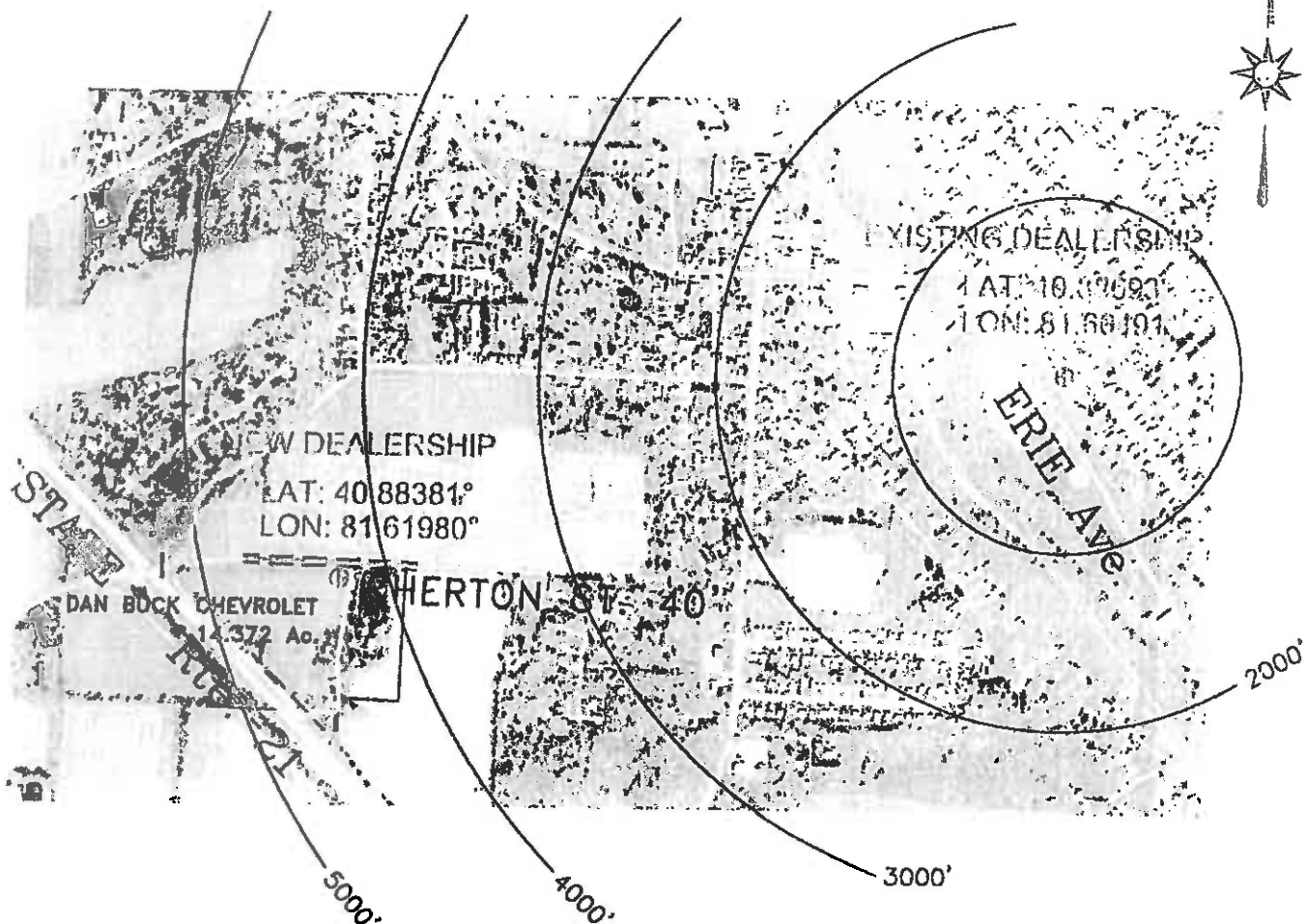
Beginning for reference at LAW 061 a Standard County disk monument found at the Southwest corner of said Southwest Quarter; thence South $87^{\circ} 39' 44''$ East, 1217.84 feet along Grantor's South line and the South line of said Section 9 to a Point on the centerline of Great Lakes Blvd., U.S. Route 21, a 250 feet wide Limited Access right-of-way per D.V. 2449 page 301, and passing over a #5 rebar bearing a cap imprinted Nichols 7349 set (as do all #5 rebars set) 182.55 from said centerline and being the True Place of Beginning of the tract herein described; thence

1. North $44^{\circ} 26' 43''$ West, 1079.78 feet along the centerline of Great Lakes Blvd. and a New Division line to a PK/MAG Nail set at a Point of New Division on the centerline of Relocated Cherton Street, T-404, a variable width right-of-way per D.V. 2449 pages 299 and 300 and an original 40 feet wide right-of-way per County Road Record C page 374; thence
2. North $78^{\circ} 09' 22''$ East, 219.52 feet along a New Division line and said Relocated Cherton Street centerline to a Railroad Spike set at a Point of Curvature and Point of New Division; thence
3. 353.45 feet along a New Division line and being said Relocated centerline on a curve to the Right defined by a Radius of 1466.65 feet, a Tangent of 177.59 feet, a Central Angle of $13^{\circ} 48' 29''$ and a Chord Bearing and Distance of North $85^{\circ} 03' 36''$ East, 352.60 feet to a Railroad Spike set at the Point of Tangency and Point of New Division; thence
4. South $88^{\circ} 02' 10''$ East, 606.00 feet along a New Division line and the original centerline of Cherton Street to a PK/MAG Nail set at a Point of New Division; thence
5. South $07^{\circ} 24' 41''$ West, 529.61 feet along a New Division line to a #5 rebar set at a Point of New Division and passing over a #5 rebar set 30.00 feet from said centerline; thence
6. South $02^{\circ} 34' 09''$ East, 315.42 feet along a New Division line to a Pointed Stone found on Grantor's South line and the South line of said Section 9; thence
7. North $87^{\circ} 39' 44''$ West, 361.81 feet along Grantor's South line and the South line of said Section 9, and passing over a #5 rebar set 182.55 from said centerline, to the True Place of Beginning.

The above described tract contains 14.830 acres of land, of which 4.447 acres are within the road right-of-way as surveyed by Nichols Field Services, Inc. under the supervision of Jerry L. Nichols, Registered Professional Surveyor #7349 in October of 2016, and is subject to all legal highways and easements of record. The basis of bearings for this document is Grid North from SCGRS points LAW 061 and LAW 044A.


Jerry L. Nichols
Registered Professional
Surveyor #7349





I HEREBY CERTIFY THIS PLAT ACCURATELY
REPRESENTS A SURVEY MADE UNDER MY SUPERVISION
IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR
BOUNDARY SURVEYS IN OHIO, PUBLISHED IN CHAPTER
4733-37 OF THE OHIO ADMINISTRATIVE CODE.



JERRY L. NICHOLS

DATE

REGISTERED PROFESSIONAL SURVEYOR

7349

NICHOLS FIELD SERVICES, INC.
707 NAVARRE ROAD SW
CANTON, OHIO 44707



TEL (330) 453-6688
FAX (330) 453-1764
EMAIL nfsi2000@sbcglobal.net

NFSI

RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-325-8084 FORM NO. 30045

Resolution No. 11-18

Passed _____, 20____

UNDER SUSPENSION OF THE RULES

A RESOLUTION BY THE COUNCIL
OF THE CITY OF CANAL FULTON,
OHIO DECLARING 156 WEST CHERRY
STREET INSECURE, UNSAFE,
STRUCTURALLY DEFECTIVE AND
UNFIT FOR HUMAN HABITATION AND
DECLARING AN EMERGENCY.

WHEREAS, the Council for the City of Canal Fulton has identified the real property located at 156 West Cherry Street, Canal Fulton, Ohio as insecure, unsafe or structurally defective; and

WHEREAS, the building inspector for the City of Canal Fulton has conducted an on-site inspection on March 7, 2018 of the property located at 156 West Cherry Street and has determined that a building located on said property is insecure, unsafe, structurally defective or unfit for human habitation, and

NOW THEREFORE, BE IT RESOLVED, that this Council for the City of Canal Fulton finds that a building on the real property located at 156 West Cherry Street is insecure, unsafe and structurally defective and as a result is unfit for human habitation, and

BE IT FURTHER RESOLVED that this Council authorizes the above referenced building to be demolished, and

ADDITIONALLY, BE IT RESOLVED, that at least thirty (30) days prior to the removal of the identified building, certified mail notice will be given to all holders of legal or equitable liens of record upon the real property and to all owners of record of the property. If the addresses of the owners and/or lien holders are unknown and cannot be ascertained, this thirty (30) day notice requirement will be published one time in a newspaper of general circulation within the City.

This Resolution is hereby determined to be an emergency measure, the immediate passage of which is necessary for the preservation of the public peace, health, safety, and welfare of the City of Canal Fulton, such emergency arising from the need to expedite the project wherefore this Resolution shall take effect and be in full force immediately upon its passage.

Joseph A. Shultz, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby

RECORD OF RESOLUTIONS

BEAR GRAPHICS, INC.-TED-BIRM FORM NO. 20245

Resolution No. _____

Passed _____, 20____

certify that this is a true and correct copy of Resolution ____-18, duly adopted by the Council of the City of Canal Fulton, on the date of _____. 2018, and that publication of the foregoing Resolution was duly made by listing same on the city's web-site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the _____ day of _____, 2018.

Teresa Dolan, Clerk-of-Council

SEF/bp

RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-325-8094 FORM NO. 30045

Resolution No. 12-18

Passed _____, 20____

UNDER SUSPENSION OF THE RULES

A RESOLUTION BY THE COUNCIL
OF THE CITY OF CANAL FULTON,
OHIO DECLARING 147 MARKET
STREET WEST INSECURE, UNSAFE,
STRUCTURALLY DEFECTIVE AND
UNFIT FOR HUMAN HABITATION
AND DECLARING AN EMERGENCY.

WHEREAS, the Council for the City of Canal Fulton has identified the real property located at 147 Market Street West, Canal Fulton, Ohio as insecure, unsafe or structurally defective; and

WHEREAS, the building inspector for the City of Canal Fulton has conducted an on-site inspection on March 7, 2018 of the property located at 147 Market Street West and has determined that a building located on said property is insecure, unsafe, structurally defective or unfit for human habitation, and

NOW THEREFORE, BE IT RESOLVED, that this Council for the City of Canal Fulton finds that a building on the real property located at 147 Market Street West is insecure, unsafe and structurally defective and as a result is unfit for human habitation, and

BE IT FURTHER RESOLVED that this Council authorizes the above referenced building to be demolished, and

ADDITIONALLY, BE IT RESOLVED, that at least thirty (30) days prior to the removal of the identified building, certified mail notice will be given to all holders of legal or equitable liens of record upon the real property and to all owners of record of the property. If the addresses of the owners and/or lien holders are unknown and cannot be ascertained, this thirty (30) day notice requirement will be published one time in a newspaper of general circulation within the City.

This Resolution is hereby determined to be an emergency measure, the immediate passage of which is necessary for the preservation of the public peace, health, safety, and welfare of the City of Canal Fulton, such emergency arising from the need to expedite the project wherefore this Resolution shall take effect and be in full force immediately upon its passage.

Joseph A. Shultz, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby

RECORD OF RESOLUTIONS

DEAN GRAPHICS 801-335-8294 FORM NO. 30045

Resolution No. _____

Passed _____, 20____

certify that this is a true and correct copy of Resolution ____-18, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2018, and that publication of the foregoing Resolution was duly made by listing same on the city's web-site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the _____ day of _____, 2018.

Teresa Dolan, Clerk-of-Council

SEF/bp

RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-325-5811 FORM NO. 30043

Resolution No.

1318

Passed

, 20

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ENTER INTO A CONSTRUCTION AND PERFORMANCE AGREEMENT WITH SCHALMO PROPERTIES, INC. FOR PUBLIC IMPROVEMENTS AND INSTALLMENTS FOR SANDY RIDGE DEVELOPMENT PHASE 2.

WHEREAS, Schalmo Properties, Inc., in compliance with Title One of the Planning and Zoning Code of the City of Canal Fulton, Ohio, entitled "Subdivision Regulations", hereby covenants and agrees to construct and install within the proposed subdivision known as Sandy Ridge Development Phase 2 as previously approved by the Planning Commission, all public improvements and installments required by said Subdivision Regulations of the City of Canal Fulton, Ohio.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO, THAT:

The City of Canal Fulton agrees to enter into a Construction and Performance Agreement with Schalmo Properties, Inc. for Public Improvements and Installments for Sandy Ridge Development Phase 2 pursuant to proposal attached as Exhibit "A" and incorporated by reference herein.

Joseph A. Schultz, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution ____-18, duly adopted by the Council of the City of Canal Fulton, on the date of _____. 2018, and that publication of the foregoing Resolution was duly made by listing same on the city's web-site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the _____ day of _____, 2018.

Teresa Dolan, Clerk-of-Council

SEF/bp

Exhibit "A"

CONSTRUCTION AND PERFORMANCE AGREEMENT

The undersigned, Schalmo Properties, Inc., hereinafter called the "Developer", in compliance with Title One of the Planning and Zoning Code of the City of Canal Fulton, Ohio, entitled "Subdivision Regulations", hereby covenants and agrees to construct and install within the proposed subdivision known as **Sandy Ridge Development Phase 2** as previously approved by the Planning Commission, all public improvements and installments required by said Subdivision Regulations of The City of Canal Fulton, Ohio.

Developer further covenants and agrees:

1. That all such public improvements and utilities shall be constructed and installed in full compliance with the provisions of said Subdivision Regulations, as well as with specifications established by the City Engineer and kept on file in his office. The aforementioned provisions and specifications shall be considered part of this Agreement as though fully rewritten herein.
2. To notify the City Engineer when each phase of any and each improvement or installment is completed and ready for final inspection and approval thereof, and that any service rendered to the Developer by the City of Canal Fulton, Ohio, in connection with necessary inspections or other related matters shall be promptly paid by Developer, as they are billed therefore.
3. That such improvements will be completed and installed within eighteen (18) months of the date of this agreement.
4. That all such improvements and installations will be laid, constructed and installed in a workmanlike manner and that the Developer guarantees such work and materials for a period of two (2) years from the date of acceptance thereof by the City Engineer. Upon acceptance of improvements, the Developer shall file a maintenance bond which shall guarantee improvements for two years. The amount of the bond shall be determined by the City Engineer and approved by City Council.
5. That the Developer will bear and pay the total cost of all improvements thereof.
6. That the Developer will promptly replace or repair any work or materials shown to be defective within the two (2) year maintenance guarantee period, provided that timely notice of the nature of the same is given in writing to the Developer by the City Engineer. In the event that the Developer refuses or fails to replace any defective work or materials within a reasonable time after such notice thereof, the City of Canal Fulton, Ohio, may cause such work to be done and the Developer shall pay the cost of the same.
7. That a title report approved in form and content by the City Law Director, shall be furnished showing the titles to all lands within the subdivision.
8. That all such required improvements shall be available to and for the benefit of the lands and lots within said Subdivision.

The Developer further agrees to comply with the rules and regulations of the City of Canal Fulton, Ohio, governing the construction and installation of the above improvements, and to take the necessary safety precautions to prevent injury to persons and property on or about the site of the improvements. The Developer shall assume the defense of, indemnify, and save harmless the City of Canal Fulton, Ohio, and its individual officers and agents from all claims relating to labor and materials furnished for the work and from all liability for injuries to any person, corporation or property received or sustained by or from the act of the Developer or its employees, agents or subcontractors in connection with the construction and installation of the improvements herein set forth.

For the purposes of indemnifying and saving harmless the City of Canal Fulton, Ohio, from all claims for damages as set forth above, the Developer will give evidence by a certificate of insurance to the City of Canal Fulton, Ohio, of its having in effect a general liability insurance policy with \$500,000 coverage for each occurrence combined single limit of liability for bodily injury and/or property damage. Said certificate of insurance shall identify the City of Canal Fulton, Ohio, as additional insured.

In order to insure the full and faithful performance of the Agreement, the Developer attaches hereto, its unconditional escrow commitment or performance bond subject to the sole and exclusive control of the City of Canal Fulton, Ohio, in the sum of **Twenty Thousand Dollars (\$20,000.00)** to insure the implementation of soil and erosion control measures and the full payment of inspection and engineering fees within ninety (90) days of billing by the City. The Developer acknowledges that this sum shall be subject to the sole and exclusive control of the City of Canal Fulton, Ohio, for its release, based upon the City of Canal Fulton's acceptance for the performance assured herein. No direct or sub-contractual agreement of the Developer shall be deemed to authorize or encumber these funds, nor shall the obligation of the Developer constitute a basis for their release. Said funds shall be released only by the City of Canal Fulton, Ohio, upon proper acceptance of partial performance or completion, based upon the percentage of the project deemed completed and acceptable by the City Engineer, or the City Council, and no others. The Developer shall hold the City of Canal Fulton harmless, shall assure the defense of, and fully indemnify the City, its individual officers and agents from any and all liability for claims arising out of the release of escrow funds. Notwithstanding completion of the improvements mentioned herein, the escrow agreement shall not be released until a satisfactory maintenance bond in terms and amount approved by the City of Canal Fulton's Council; shall have been furnished for a maintenance period of two (2) years.

The City of Canal Fulton, Ohio, agrees with the Developer that it shall make all inspections as called for, and, so long as the Developer complies with the terms of the Agreement, shall not unreasonably hinder or obstruct the Developer in the performance of the work herein set forth.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal this ____ day of _____, 2018.

Witnesses:

Kenneth L. Schalmo

In the Presence of:

The City of Canal Fulton, Ohio

Mark Cozy, City Manager

Approved as to form:

Scott Fellmeth, Law Director

RECORD OF ORDINANCES

BEAUGRAPHIC 350-325-8894 FORM NO. 30043

Ordinance No.

25-18

Passed

, 20

AN ORDINANCE AMENDING
TITLE THREE - UTILITIES OF
CHAPTER NINE - STREETS,
UTILITIES AND PUBLIC SERVICE
CODE OF THE CODIFIED
ORDINANCES OF CANAL
FULTON, OHIO ADDING
CHAPTER 938 - STORMWATER
UTILITY AND REPEALING ANY
ORDINANCES IN CONFLICT
THEREWITH.

WHEREAS, the Council of the City of Canal Fulton, Ohio has recommended that Title Three – Utilities of Chapter Nine – Streets, Utilities and Public Service Code of the Codified Ordinances of Canal Fulton be amended.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL FULTON OHIO THAT:

Chapter 938 entitled Stormwater Utility is hereby created pursuant to legislation attached as Exhibit "A" and incorporated by reference herein and Repealing any Ordinances in conflict therewith.

Joseph A. Schultz, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance ____ 2018, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2018, and that publication of the foregoing Ordinance was duly made by listing same on the city's web-site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the _____ day of _____, 2018.

Teresa Dolan, Clerk-of-Council

SEF/bp

EXHIBIT "A"

CHAPTER 938 Stormwater Utility

- 938.01 Stormwater Utility
- 938.02 Findings, Determinations and Power
- 938.03 Definitions
- 938.04 Stormwater Fee
- 938.05 Stormwater Fee Collection
- 938.06 Stormwater Drainage Fund
- 938.07 Stormwater District Review and Appeals Board
- 938.08 Flooding, Liability
- 938.09 Notice to Correct Drainage
- 938.10 Emergencies, Abatement
- 938.11 Abatement Costs
- 938.12 Emergency Situations
- 938.13 Penalty

938.01 Stormwater Utility

It is hereby declared necessary for the protection of the public health, safety, welfare and convenience of the City of Canal Fulton ("the "City") and its inhabitants to codify the establishment of a storm drainage utility (hereinafter "Stormwater Utility" or "Utility") and to codify just and equitable rates or charges to be paid to the City for the use of such services which shall be used for the payment of the cost of the management, maintenance, operation, repair, construction, reconstruction, enlargement, replacement and related costs of the Stormwater Management System and items relating to the City Stormwater Management Plan as required through the Ohio Environmental Protection Agency (OEPA).

938.02 Findings, Determinations and Power

It is hereby found, determined, and declared that those elements of the System which provide for the collection, treatment and disposal of stormwater and regulation of ground water are of benefit and provide services to all property within the incorporated City limits, including property not presently served by the storm elements of the System. The beneficiaries of the System include all real properties within the City of Canal Fulton which benefit by the provision, operation and improvement of the System. Such benefits may include, but are not limited to, the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater, the reduction of hazard to property and life resulting from stormwater runoff, improvement in general health and welfare through reduction of undesirable stormwater conditions, and improvement to the water quality in the storm and surface water system and its receiving waters.

The stormwater utility, under the direction of the City Manager shall, and does, have the power to:

- (a) Prepare regulations as needed to implement this Chapter and forward the same to City Council for consideration and adoption, and adopt such policies and procedures as are required to implement said regulations or carry out other responsibilities of the utility.
- (b) Administer the acquisition, design, construction, maintenance and operation of the System, including capital improvements.
- (c) Administer and enforce this Chapter and all regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the System including, but not limited to, the quantity, quality and/or velocity of the stormwater conveyed thereby.
- (d) Inspect private systems as necessary to determine the compliance of such systems with this Chapter and any regulations adopted pursuant to this Chapter.
- (e) Advise City Council, the City Administration and City departments on matters relating to the utility.
- (f) Prepare and revise a comprehensive drainage plan for adoption by City Council periodically.
- (g) Review plans, approve or deny, inspect and accept extensions to the System.

(V) "Undeveloped Property" means real property which is a buildable lot within the corporate limits.

(W) "Undisturbed property" means real property which has not been altered from its natural state by dredging, filling, removal of trees and vegetation or other activities which have disturbed or altered the topography or soils on the property.

(X) "User Fee District" means the area or property within the corporate limits of the City of Canal Fulton.

(Y) "Vacant improved property" means vacant property which is, or could reasonably be, served by any subdivision improvements that allow egress.

938.04 Stormwater Fee

Subject to the provisions of this Chapter, each and every residential developed and nonresidential developed, other than exempt property, within the corporate limits of the City, and the owners and non-owner users thereof, have imposed upon them a Stormwater Fee. In the event the owner and non-owner users of a particular property are not the same, the liability for each the owner and nonowner user for the Stormwater Fee attributable to that property shall be joint and several. The Stormwater Fee shall be billed on a monthly basis which shall be determined by the provisions of this Chapter and the ERU and ERU Rate which shall be established and changed from time to time by City Council. The rate hereby adopted by the City Council is \$2.00 per month per Equivalent Residential Unit (ERU) and by the following scale for any developed property not considered R-1 Residential.

Total Impervious Surface Area	Fee Per Month
1 - 25,000 Square Feet	\$5.00
Over 25,000 Square Feet	\$10.00

938.05 Stormwater Fee Collection

The Fee provided in Section _____.04 shall be billed to the person or entity currently receiving the City's utility bill for water utility services. The owner of the parcel of property in question shall always be responsible for said bills. Such fee shall appear on the utility bill rendered by the City for water services as a separate item and shall be considered an integral part of such bill. Failure to remit the entire amount of the charges for all services shall constitute a delinquency, with termination of all services to take place in accordance with the provisions of the Codified Ordinances of the City of Canal Fulton, thirty days after such delinquency. For those properties within the corporate limits of the City that do not utilize the City's sanitary sewer services the property owner, or their designee shall be billed separately for the Stormwater Fee. The Storm Water User Fee will part of the consolidated statement for City utility customers which is paid by a single payment. In the event that a partial payment is received, the payment shall be applied as follows. Storm Water Utility first, sewer charges second and water charges third.

938.06 Stormwater Drainage Fund

The revenues received pursuant to this Chapter ____ shall be deposited with the City Finance Director and shall be kept in a separate and distinct fund known as the Stormwater Utility Fund. The Stormwater Utility Fund shall be used for the payment of the cost of items related to the City's Storm Water Management Plan as mandated by the Ohio Environmental Protection Agency (OEPA) and of the management, maintenance, operation and repair of the Stormwater Management System and for the enlargement or replacement of the Stormwater Management System, for the construction and reconstruction of said System, for the payment of interest on any indebtedness incurred for the construction thereof, and for the creation of a sinking fund for

the payment of such indebtedness, but shall not be used for any other purpose not related to items in this chapter or for private storm sewer apputances.

938.07 Stormwater District Review and Appeals Board

(a) The City of Canal Fulton Stormwater District Review and Appeals Board is hereby established. Said Board shall consist of five (5) members; The City Engineer and the City Manager. The other three (3) members shall consist of electors of the City appointed by the Mayor and approved by City Council. Appointed members may be removed by the Mayor with the approval of a vote of two-thirds (2/3) of the members of City Council. The term of office for appointed members of said Board shall be two (2) years. Should a vacancy occur on the Board, the remaining portion of the unexpired term shall be filled by the Mayor and approved by City Council.

(b) The Board is authorized to hear appeals regarding disputes and complaints brought by owners and nonowners concerning application of this chapter, including the authority to make adjustments as appropriate to provide relief from a strict application of the provisions of this Chapter due to unique circumstances which reduce the burden of operating, constructing, repairing and maintaining the Stormwater Management System and the structures and devices related thereto, while accomplishing the intent of this Chapter, as follows:

1. Calculation of the total number of billing units assigned to a property that are claimed to be inaccurate due to alleged inaccuracies in data utilized by the billing staff.
2. Adjustment to or credit against billing units assigned to a property which wholly or partially drains directly outside the City limits.
3. Adjustments to or credits against billing units assigned to properties containing stormwater detention or retention facilities providing on-site management of stormwater prior to discharge to the public Stormwater Management System.
4. Adjustments arising from a break in billing units due to change in property ownership, account responsibility or similar matters.
5. Any other adjustments or credits against billing services assigned to properties which diminish the quantity of stormwater handled by the Stormwater Management System or reduce the cost to the City of constructing, operating and maintaining said System, such as a property owner's agreement to install oversized storm sewer pipes at its own cost, which provides stormwater drainage for other properties, obligations assumed by an owner to maintain and repair storm sewer lines which are a part of the City's Stormwater Management System, providing stormwater retention of detention facilities designed and installed to detain or retain stormwater originating from other properties.

(c) Any appeal must be filed in writing for a request for reconsideration, and must describe the specific error alleged, and contain the resolution of said dispute which the appealing party feels is correct. Said Board may request additional information from either the appealing party or the City. The decision of said Board shall be final.

938.08 Flooding, Liability

Floods from stormwater runoff may occasionally occur which exceed the capacity of storm drainage facilities constructed, operated, or maintained by funds made available under this Chapter. This Chapter does not imply that Property subject to the fees and charges established herein will always be free from stormwater flooding or flood damage, or that stormwater systems capable of handling all Storm events can be cost effectively constructed, operated, or maintained. Nor shall this Chapter create a liability on the part of, or cause of action against, the City or any officer or employee thereof for any flood damage that may result from such Storms or the runoff thereof. Nor does this Chapter purport to reduce the need or the necessity for obtaining flood insurance.

938.09 Notice to Correct Drainage

- (a) Whenever the City Manager or his designee shall find that a tract of land is inadequately drained, or that there is an obstruction to a culvert, covered drain, or other natural or man-made watercourse that interferes with water naturally flowing therein or that such culvert, drain, or watercourse is of insufficient capacity to reasonably accommodate the flow of water, as required by this Chapter, the City Manager or his designee shall notify the owner or person having possession, charge, or management of such land to remove the obstruction or provide the

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8084 FORM NO. 30043

Ordinance No. 26-18

Passed _____, 20____

An Ordinance Amending Ordinance 31-17, and
Providing for Changes to Previously Authorized
Appropriations.

WHEREAS, it is necessary for the City of Canal Fulton to authorize additional appropriations for current expenses and other expenditures for the fiscal year ending December 31, 2018, which were not anticipated or included in Ordinance 31-17, as the City's 2018 Appropriation Ordinance, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF CANAL FULTON, OHIO, THAT:

Section 1: City Council authorizes the Finance Director to increase the Water Capital Projects Fund appropriations by \$25,000.00 to account for the cost of creating an inventory of water system assets as required by the Ohio EPA.

Water Capital Projects Fund			
Category	Previously Approved	Change	New Appropriations
Non-Payroll Costs	120,833.33	25,000.00	145,833.33

Section 2: This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

Joseph A. Schultz, Mayor

ATTEST:

Teresa Dolan, Clerk of Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 18, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2018, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the _____ day of _____, 2018.

Teresa Dolan, Clerk of Council

BILL TO:

DELIVER
TO:

City of Canal Fulton

155 East Market Street, Suite #A
Canal Fulton, Ohio 44614-1305
(330) 854-2225 • FAX (330) 854-6913

PURCHASE ORDER

P.O. NUMBER

RG011769

P.O. DATE

06/22/18

DEPARTMENT

STREET

CREATED BY

VENDOR NO.

00489

VENDOR:

CANAL FULTON ADMINISTRATION
155 E. MARKET ST.
SUITE #A
CANAL FULTON, OH 44614

OHIO TREASURER OF STATE
OHIO PUBLIC WORKS COMMISSION
65 EAST STATE STREET, STE 312
COLUMBUS, OH 43215

THE ABOVE PURCHASE ORDER NUMBER MUST APPEAR ON ALL BILLS AND PACKAGES.
Material on this order is exempted from the Ohio Sales Tax and Federal Excise Taxes.

FEDERAL ID # 34-6000498

ACCOUNT NUMBER	AMOUNT
561.360.5894	\$6,886.36

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		TO RECLASSIFY WOOSTER ST STORM SEWER OPWC DEBT PAYMENT TO STORM SEWER FUND		\$6,886.36
		THIS PURCHASE ORDER IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON ____ / ____ / ____		
			TOTAL:	\$6,886.36

CIRCLE IF APPLICABLE: Now and then P.O. – the purchase was made before approval of P.O. Funds were available then as they are available now.

FISCAL OFFICER'S CERTIFICATE

I hereby certify that the amount required to meet the contract, agreement, obligation, payment or expenditure stated in this purchase order has been lawfully appropriated, authorized or directed for such purpose and is in the Treasury or in the process of collection in credit of the appropriate fund(s), free from any obligation or certification now outstanding.

Finance Director

Date

City Manager / Mayor

Date

THIS ORDER IS NOT VALID UNLESS SIGNED BY THE FINANCE DIRECTOR AND EITHER THE CITY MANAGER OR MAYOR



BILL TO:

City of Canal Fulton

PURCHASE ORDER

155 East Market Street, Suite #A
Canal Fulton, Ohio 44614-1305
(330) 854-2225 • FAX (330) 854-6913

DELIVER
TO:

CANAL FULTON ADMINISTRATION
155 E. MARKET ST.
SUITE #A
CANAL FULTON, OH 44614

VENDOR:

FINLEY FIRE EQUIPMENT
5255 N.STATE ROUTE 60 NW
MC CONNELSVILLE, OH 43756-0149

P.O. NUMBER

RG011772

P.O. DATE

06/29/18

DEPARTMENT

FIRE/EMS

CREATED BY

VENDOR NO.

00039

ACCOUNT NUMBER	AMOUNT
222.210.5691	\$6,756.00

THE ABOVE PURCHASE ORDER NUMBER MUST APPEAR ON ALL BILLS AND PACKAGES.
Material on this order is exempted from the Ohio Sales Tax and Federal Excise Taxes.

FEDERAL ID # 34-6000498

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		FULL PPE FIRE GEAR FOR JARED HAGEN, JOSH BOECKER, ZACH EDGINGTON		\$6,756.00
		THIS PURCHASE ORDER IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON ____ / ____ / ____		
		TOTAL:		\$6,756.00

CIRCLE IF APPLICABLE: Now and then P.O. - the purchase was made before approval of P.O. Funds were available then as they are available now.

FISCAL OFFICER'S CERTIFICATE

I hereby certified that the amount required to meet the contract, agreement, obligation, or expenditure stated in this purchase order has been lawfully appropriated, authorized or directed for such purpose and is in the Treasury or in the process of collection credit of the appropriate Fund(s), free from any obligation or certification now outstanding.

Finance Director

Date

City Manager / Mayor

Date

THIS ORDER IS NOT VALID UNLESS SIGNED BY THE FINANCE DIRECTOR AND EITHER THE CITY MANAGER OR MAYOR